THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.5100 of 2005

04.01.2007

Between:

Aluru Konda Reddy

..Petitioner

And

District Collector, Nellore. and others.

..Respondents

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.5100 of 2005

ORDER:

The petitioner is a resident of Annavaram Village, Jaladanki Mandal, Nellore District. He was in occupation of the land admeasuring Acs.3.89 cents in survey No.866/P of the said Village. On 22.04.2002, the third respondent also issued necessary proceedings assigning the land to the petitioner. Nonetheless, the third respondent initiated action under the Andhra Pradesh Land Encroachment Act, 1905 (for short "the Act"), and issued notice under Section 7 of the Act on 02.12.2004. The petitioner submitted his explanation on 09.12.2004 and the enquiry is still pending. It is alleged that respondents are trying to interfere with his possession and dispossessed him. Hence, the present Writ Petition is filed.

This Court while admitting the Writ Petition passed interim orders directing *status quo* as to the nature and possession of the land in question. The respondents have now moved W.V.M.P.No.2192 of 2005. The matter is heard finally at this stage.

While denying the allegations that there is interference with the possession during the pendency of the enquiry under the Act, the Mandal Revenue Officer does not dispute that he has not yet passed orders under Section 6 of the Act. Therefore, instead of keeping the matter pending, the Mandal Revenue Officer is directed to dispose of the matter pending before him under the Act immediately. It is needless to observe that unless and until appropriate orders are passed under Section 6 of the Act, there cannot be any interference with the enjoyment of the property of the petitioner.

The Writ Petition, with the above observation, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

04.01.2007

GJ